

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**

PRG



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,507	10/12/2001	David S. Allison	0007056-0205/P5938	3875

32615 7590 09/02/2004

OSHA & MAY L.L.P./SUN  
1221 MCKINNEY, SUITE 2800  
HOUSTON, TX 77010

EXAMINER

INGBERG, TODD D

ART UNIT PAPER NUMBER

2124

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,507	<b>Applicant(s)</b> ALLISON, DAVID S.	
	<b>Examiner</b> Todd Ingberg	<b>Art Unit</b> 2124	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1 – 16 have been examined.

#### *Drawings*

1. Drawings submitted February 6, 2002 have been accepted.

#### *Oath/Declaration*

2. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Applicant has elected to select portions of 37 CFR 1.56. The United States Patent Office does not offer this as an option.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 8 are rejected under 101 for failing to be concrete and tangible. A suggestion on how to overcome this rejection is made below:

#### Claim 1

A method executing on a computer readable medium for implementing a stream operator built into an environment comprising: determining if an I/O operation in said environment having said stream operator occurs ; and performing said I/O operation with said stream operator if said I/O operation occurs.

#### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by GW-BASIC from 1988.

Art Unit: 2124

**Claim 1**

GW-Basic anticipates a method for implementing a stream operator built into an environment (GW-Basic, The interpreter is built in, page 15) comprising: determining if an I/O operation in said environment having said stream operator occurs ( GW-Basic page 13, from different I/O), ; and performing said I/O operation with said stream operator if said I/O operation occurs (GW-Basic, page 13, INPUT and INPUT\$ and page 93).

**Claim 2**

The method of claim 1 wherein said stream operator allows a value of one type to be streamed to a value of another type. (GW-Basic, pages 51 – 52 shows types and 54 – 55 shows conversion – The ability to INPUT to a variable of a different type using a conversion reads on the present limitations ).

**Examiner's Note**

This rejection can be overcome by limitations that do not allow for a casting operation (type conversion). A limitation specifically stating *directly into in another format*.

**Claim 3**

The method of claim 1 wherein said stream operator allows a value of one type to be streamed to a value of type stream. ( as per Claim 1 with stream being of type string character ).

**Claim 4**

The method of claim 1. herein said stream operator allows a value of type stream to be streamed to a value of another type. As per the rejection of claim 2.

**Claim 5**

The method of claim 2 wherein said one type is of any type supported by said environment. (GW-Basic, pages 53- 54, show the valid types support by GW-Basic ).

**Claim 6**

The method of claim 1 wherein said any type can be modified depending on the type of operands of said environment. ( as per claim 1 INPUT is an operand and the Casting operation/ type conversion is an operand ).

**Examiner's Note**

This rejection can be overcome by limitations that distinguish the operand to be from the original input stream.

**Claim 7**

The method of claim 1 wherein said stream operator is used to access files. (GW-Basic, example on page 41).

**Claim 8**

The method of claim 1 wherein said stream operator is used to connect to a network. (GW-Basic, pages 95 96, ability to communicate with TTY ).

Art Unit: 2124

**Claim 9**

A computer program product comprising: a computer useable medium having computer readable program code embodied therein configured to implement a stream operator built into an environment, said computer program product comprising:

computer readable code configured therein to cause a computer to determine if an I/O operation in said environment having said stream operator occurs; and computer readable code configured therein to cause a computer to perform said I/O operation with said stream operator if said I/O operation occurs. As per claim 1.

**Claim 10**

The computer program product of claim 9 wherein said stream operator allows a value of one type to be streamed to a value of another type. As per the rejection of claim 2.

**Claim 11**

The computer program product of claim '9 wherein said stream operator allows a value of one type to be streamed to a value of type stream. As per the rejection of claim 3.

**Claim 12**

The computer program product of claim 9 wherein said stream operator allows a value of type stream to be streamed to a value of another type. As per the rejection of claim 2.

**Claim 13**

The computer program product of claim. 10 wherein said one type is of any type supported by said environment. As per the rejection of claim 5.

**Claim 14**

The computer program product of claim 13 wherein said any type can be modified depending on the type of operands of said environment. As per the rejection of claim 6.

**Claim 15**

The computer program product of claim 9 wherein said stream operator is used to access files. As per the rejection of claim 7.

**Claim 16**

The computer program product of claim 9 wherein said stream operator is used to connect to a network. As per the rejection of claim 8.

Art Unit: 2124

***Correspondence Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

Art Unit: 2124

***Special Notice***

7. Please, Note the Examiner's telephone number will change in October when the Art Unit moves to the new location. The Examiner's new telephone number will be as follows:

**(571) 272-3723**

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long horizontal line extending to the right.

**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
September 1, 2004